

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF JOSHUA BLOCK

I, Joshua Block, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at ACLU National and counsel of record for Plaintiff B.P.J., with her next friend and mother, Heather Jackson. The following is true of my own personal knowledge, and, if called as a witness, I would and could testify competently thereto.
2. I submit this declaration in support of Plaintiff B.P.J.'s Motion to Exclude the Expert Testimony of Gregory A. Brown.
3. Attached to this declaration are true and correct copies of the documents listed in the table below.

Exhibit	Description
Expert Reports, Deposition Transcripts, and Exhibits	
A	Declaration of Gregory A. Brown, Ph.D., F.A.C.S.M. in <i>Hecox v. Little</i> , No. 1:20-cv-00184-DCN (D. Idaho) (June 4, 2020)
B	Expert Report of Gregory A. Brown Ph.D., F.A.C.S.M. (February 23, 2022)
Other Documents	
C	Wiley C. Hembree, et al., <i>Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline</i> , 102(11) J Clin Endocrinol Metab, 3869–9031 (2017)
D	Aditi Bhargava et al., <i>Considering Sex as a Biological Variable in Basic and Clinical Studies: An Endocrine Society Scientific Statement</i> . 42(3) Endocr Rev. 219-258 (2021).
E	Handelsman, D.J., Sex differences in athletic performance emerge coinciding with the onset of male puberty, 87 Clinical Endocrinology 68 (2017).
F	Harper, J. et al., How does hormone transition in transgender women change body composition, muscle strength and haemoglobin? Systematic review with a focus on the implications for sport participation. Br J Sports Med 55(15):865-872 (2021).
G	Hamilton, B. et al, Integrating transwomen and female athletes with differences of sex development (DSD) into elite competition: the FIMS 2021 consensus statement. Sports Med (2021)
H	Hilton, E. N. and T.R. Lundberg, Transgender women in the female category sport: perspectives on testosterone suppression and performance advantage. Sports Medicine 51:199-214 (2020)
I	Espen Tønnessen, et. al., <i>Performance Development in Adolescent Track and Field Athletes According to Age, Sex and Sport Discipline</i> , 10(6) PLoS ONE e0129014 (2015)
J	World Rugby Transgender Women Guidelines, at https://www.world.rugby/the-game/player-welfare/guidelines/transgender/women
K	Louis Gooren, <i>The significance of testosterone for fair participation of the female sex in competitive sports</i> , 13 Asian Journal of Andrology 653-54 (2011)
L	McManus, A. and N. Armstrong, Physiology of elite young female athletes. 56 J Med & Sport Sci 23-46 (2011)

Exhibit	Description
M	AE Staiano and PT Katzmarzyk, <i>Ethnic and sex differences in body fat and visceral and subcutaneous adiposity in children and adolescents</i> , 36 Int J Obes 1261-69 (2012)
N	Coleman, D. L. et al., <i>Re-affirming the value of the sports exception to Title IX's general non-discrimination rule</i> . 27(69) Duke J. of Gender and Law Policy 69-134 (2020)
O	Klaver M., et al., <i>Early Hormonal Treatment Affects Body Composition and Body Shape in Young Transgender Adolescents</i> , 15 J Sex Med 251-60 (2018)
P	Brown GA. The Olympics, sex, and gender in the physiology classroom. Physiology Educators Community of Practice, managed by the Education group of the American Physiological Society (August 18, 2021)
Q	Women's Sports Policy Working Group, "Briefing Book: A Request to Congress and the Administration to Preserve Girls' and Women's Sport & Accommodate Transgender Athletes" (2021) (available at https://womenssportspolicy.org/wp-content/uploads/2021/02/Congressional-Briefing-WSPWG-Transgender-Women-Sports-2.27.21.pdf)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 12, 2022

/s/ Joshua Block _____
Joshua Block

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CERTIFICATE OF SERVICE

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I, Loree Stark, do hereby certify that on this 12th day of May, 2022, I electronically filed a true and exact copy of the foregoing document with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

Loree Stark

West Virginia Bar No. 12936